

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 60031

Max Buys Houses
6400 Baltimore National Pike
Baltimore, MD 21228-3930

1595 Ingleside Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 9, 2009, for a hearing on a citation for violations under the National Electrical Code (NEC) section 110.3, 110.7, failure to comply with Correction Notice to replace deteriorated service cables on residential property zoned 01 known as 1595 Ingleside Avenue, 21207

On May 19, 2009, pursuant to §3-6-205, Baltimore County Code, Baltimore County Electrical Inspections Inspector, Jeffrey Baker, issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,400.00 (seven thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Beth Hazen, representing the Respondent, Jeffrey Baker, Baltimore County Electrical Inspections Inspector and Vincent Metallo, Baltimore County Electrical Inspections Supervisor.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 1, 2009 requesting replacement of deteriorated electrical service cable. A letter explaining the problem was attached to the Correction Notice. The letter stated in part, "Defective and dangerous electrical service cables currently supply electric power to your unit and to the common areas of the condominium regime. ... Due to the nature of the defects, an electrician shall be required to inspect, repair as needed and certify that each power board and the service cable is in compliance with the 2008 National Electric Code."

B. This Citation was issued on May 19, 2009. Similar Correction Notices and Citations were sent to each of the other owners of units in the Ingleside Park Townhouse Condominiums complex with unrepaired electrical service cables.

C. Inspector Jeffrey Baker testified that the service entrance conductors for the complex have severely frayed wiring. Each Unit owner must replace the wiring for their Unit. Baltimore Gas & Electric Company has tagged the remaining unrepaired wiring for shutoff effective June 16.

D. Ms. Beth Hazen, representing Respondent, testified that an electrician has been engaged to complete the necessary work. A County Electrical Permit for the repair was obtained on June 5.

E. The service wiring for Respondent's property is unsafe and requires immediate repair and replacement. Because compliance is the goal of code enforcement, and because Respondent has made progress towards compliance, the civil penalty will be rescinded if the repairs are completed within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the replacement and repair of the electrical service cables and associated equipment is completed and violations corrected by June 22, 2009. If Respondent fails to correct the violations, the civil penalty shall be imposed and may be placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf